

REMARKS

This Reply is in response to the Notice of Noncompliant Appeal Brief mailed on September 7, 2007 and the Final Office Action mailed on December 29, 2006 in which claims 1-2, 5-15 and 21-27 were rejected. With this response, entry of amendments canceling claims 1, 2, 5, 6, 22, and 25 and amending claims 21, 26 and 27 and is requested. Because such amendments merely rewrite former dependent claims 21, 26 and 27 in independent form by incorporating the limitations of their former base claims and because such amendments place the application in better form for appeal, entry of such amendments is believed to be proper. Claims 7-15, 21, 23-24 and 26-27 are presented for reconsideration and allowance.

On or about September 28, 2007, a telephonic interview was held between Examiner Cardone and Applicant's attorney, Todd A. Rathe. It was agreed upon that such amendments would address the issues raised in the Notice of Non-compliant appeal brief and that such amendments would be entered under 37 CFR 41.33(b). Such amendments are being filed part or concurrently with the filing of a replacement or corrected appeal brief.

After amending the claims as set forth above, claims 7-15, 21, 23-24 and 26-27 are now pending in this application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit

Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

Date October 5, 2007

By Todd A. Rathe

RATHE PATENT & IP LAW
Customer No. 22879
Telephone: (262) 478-9353
Facsimile: (262) 238-1469

Todd A. Rathe
Attorney for Applicant
Registration No. 38,276